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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,713	12/21/2000	Clarence C. Lee	12980-0101 (251210)	4540

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JOHN S. PRATT  
KILPATRICK STOCKTON LLP  
1100 PEACHTREE  
SUITE 2800  
ATLANTA, GA 30309

EXAMINER
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KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/11/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/748,713

Applicant(s)

LEE, CLARENCE C.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are pending.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, drawn to a method of treating soiled fabric, classified in class 8, subclass 115.51.
  - II. Claims 8-20, drawn to a device for treating soiled fabric, classified in class 8, subclass 137.
3. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the method as claimed can be practiced by another materially different apparatus or by hand.
4. During a telephone conversation with Mary Merchant on Friday August 28, 2002 a provisional election was made with traverse to prosecute the invention of Group II, claims 8-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-7 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Objections***

5. Claims 9-20 is objected to because of the following informalities: All of the claims end with "...blends and combinations." Examiner suggests writing blends and

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combinations **thereof**. Also, claim 15 has many misspelled words. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "...wherein a flat outlet..." in claim 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinwald et al. (US 4,255,148).

Reinwald et al. teach an apparatus for carrying out the machine washing of solid textiles or dishes including a means for circulating the wash water through a vessel containing the cation exchange agent. See abstract. Specifically, in figure VI, Reinwald et al. teach an apparatus which is a modified home laundry washing machine. In the machine, the circulating pump discharge through a conduit to a flowmeter, three-way sampling valve and calcium binder container. Also, in figure VII, Reinwald et al. teach and illustrates another form of laundry machine washer, suitable for performing the cleaning. The apparatus here comprises a tub washing machine comprising tank, laundry basket, and beater cross for mechanically agitating the wash. A gear drives the circulatory pump. The circulated washing solution flows from the tank into ring conduit to pump and from there into vessel for containing the calcium ion binder back into the tank. After the completion of the washing process, the washing solution is discharged through outlet after reversing the pump, the non-return valve being closed to prevent the washing solution from flowing back into the tank. See col.11, ln.49 - col.12, ln.12. Regarding claim 16, where the claim recites the limitation of a flat outlet of a chamber, it would have been obvious in view of the teaching of the prior art where an outlet is disclosed which would encompass the claimed measurements.

Specifically regarding claims 10, 12, 13, and 15, Reinwald et al. teach the use of customary surfactants, builder-substances which increase the cleaning power, bleaching agents, as well as compounds which stabilize or activate such bleaching

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agents, greying inhibitors, optical brighteners, biocides or bacteriostatic substances, enzymes, suds-inhibitors, corrosion-inhibitors and substances regulating the pH value of the solution can be present in the washing and cleaning process. See col.8, ln.50-60.

Specifically regarding claim 11, Reinwald et al. teach the use of polyvalent and vinyl alcohols. See col.7, ln.45-66.

Specifically regarding claims 17-20, Reinwald et al. teach the use of an absorbent-containing absorbing material wherein the absorbent material is made of metallic materials, synthetic materials, natural materials. Specifically, Reinwald et al. teach the use of filtering aids like silica, diatomaceous earth, pumice powder, cellulose, or finely ground plastic foam. The aluminosilicate can also be deposited or adsorbed on these porous materials, improving the filtering capacity during the production or after in order to increase this way the particle size. Clogging of the filter when using finely divided aluminosilicates can also be prevented and at the same time the washing process can be accelerated and the cleaning result improved and the exchanger capacity better utilized by keeping the aluminosilicate constantly in motion inside the filter, for example, by recycling the cleaning solution intermittently or repeatedly, and by reversing its direction of flow during the washing process. See col.5, ln. 55-67.

Reinwald et al. however is silent on the nature of the chamber in the device, and specific enzymes as recited by the instant claims 9 and 14 respectively.

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to formulate a device, with a reasonable expectation of success, because the teachings of Reinwald et al. suggest an apparatus for machine washing

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and cleaning comprising atleast one chamber which would inherently be made of metallic materials, synthetic materials, natural materials, blends and combinations thereof.

Also, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to use any specific enzyme selected from amylases, proteinases, aminopeptidases, carboxypeptidases, lipases, Dnases, and Rnases, as recited by the instant claims, with a reasonable expectation of success, because the teachings of Reinwald et al. suggest the use of an enzyme in the washing and cleaning process. One of ordinary skill in the art would have been motivated to use any specific enzyme as claimed, because the use of these enzymes are well-known in the art to be included in formulations for fabric laundering or other cleaning purposes, including removal of protein-based, carbohydrate-based, or triglyceride-based stains. See Miracle et al. (US 6,096,098) col.25, ln.50-55 for a showing of the state of the art.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

12. Applicant is reminded that any evidence to be presented in accordance with 37 C.F.R 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

PK  
September 6, 2002

Preeti Kumar  
Examiner  
Art Unit 1751

  
YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700